

To: Khan, Annie (DPH)[Annie.Khan@MassMail.State.MA.US]
From: Kuchera, Kelly (BRI)
Sent: Thur 10/1/2009 11:35:49 AM
Subject: FW: Drug cases

Hi Annie,

I'm the prosecutor, referred to in Mark's e-mail, who's handling the [REDACTED] case with the 22 grams of Cocaine. It's a little bit of an interesting situation. The case is currently scheduled for a voire dire hearing to determine whether the judge will let the Commonwealth proceed with officer testimony as to the nature of the substance. I'm anticipating, we'll lose that battle because of the facts of the case. Thus, I wanted to notify defense counsel that we would waive the hearing and proceed to trial with the chemist. The defendant is in custody so he's entitled to a 30 day date. If I understand your e-mail correctly, neither Elizabeth nor Della is expected to be available on Oct. 29? I just want to make sure that if we do in fact waive the hearing that we would be able to proceed at trial on that day. I could also go forward with the hearing and if we lose, request a date in November for the chemist to come in and testify. Are there any dates in November that would be good for Elizabeth or Della? I'm also faxing over a request for the discovery packet on this case.

Thanks for all your help on this. If you need to reach me, my direct line is 508-961-1953.

-----Original Message-----

From: Boivin, Mark (BRI)
Sent: Wednesday, September 30, 2009 4:29 PM
To: Kuchera, Kelly (BRI)
Subject: FW: Drug cases

-----Original Message-----

From: Khan, Annie (DPH)
Sent: Tuesday, September 29, 2009 5:40 PM
To: Boivin, Mark (BRI)
Subject: RE: Drug cases

Hi Mark,

No apologies needed. I was On Call for all 4 of my cases today (it's nice when they stipulate.) According to our court schedule, Della has to be in Brockton Sup on another case. Elisabeth and I have a Federal case that week, but the def. is most likely going to stipulate (100+g of crack).

Elisabeth was the custodial chemist and Della was the confirmatory. I do not mind testifying for their work but b/c it is a trafficking, I suggest get at least Elisabeth.

I would recommend that your colleague do the following (at least for Trafficking cases only):

1. Fax over a request for a discovery packet for the case (this packet will contain drug recip, chemist notations and GC/MS data). Fax # 617-983-6625
2. Subpoena both Elisabeth and Della, just because it is a Trafficking case.
3. And keep in touch with the custodial chemist (Elisabeth and I appreciate status updates).

I will gladly relay the lab# and message to Betsy tomorrow . . .she will be so excited (hahaha). Betsy and I share a lab bench, so you can reach her at my number.

As for the cases in December, just get me the Lab#s. I find out which chemist is related to the case and create files for each case. Now a stupid question: Is the December cases for depositions or just in court testimony?

Let me know if you need anything else.

Thanks,
Annie
617-983-6631 (work)
617-983-6625 (fax)
781-367-4152 (w.cell)

-----Original Message-----

From: Boivin, Mark (BRI)
Sent: Tue 9/29/2009 2:55 PM
To: Khan, Annie (DPH)
Subject: Drug cases

Hey Annie,

Sorry for the quick call today. On a different matter, a co-worker has a case with 22 grams of cocaine that was tested in your lab. It was tested by Elisabeth O'Brien and Della Saunders (you signed the certificate as the notary). the cert. number is [REDACTED] Is there any way either of them would be available on October 29? or could you testify for this case as well?

I will get back to you with the other names and numbers for the cases in December.

Thanks,
Mark

Mark T. Boivin

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